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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KAREN SANCHEZ,  
  
Plaintiff,  
  
v.

BEAUTY INDUSTRY GROUP,  
OPCO LLC, BELLAMI HAIR, LLC,  
RANDILYN DELA CRUZ, and  
DOES 1 through 100, inclusive,  
  
Defendants.

Case No. 2:24-cv-02341-SPG-BFM

**JOINT RULE 26(F) REPORT**

Complaint Filed:	February 15, 2024
Removal Filed:	March 21, 2024
Proposed Trial Date:	August 5, 2025
Mandatory Sched. Conf:	Not Set

Pursuant to Federal Rules of Civil Procedure 26 and Local Rule 26-1, Plaintiff Karen Sanchez (“Plaintiff”) and Defendant Beauty Industry Group Opco, LLC and Defendant Bellami Hair, LLC (“Defendants”) (collectively “Parties”) hereby submit the following Joint Rule 26(f) Discovery Plan.

## **I. STATEMENT OF THE CASE**

### **A. Plaintiff’s Position**

Defendants hired Plaintiff in 2019. Plaintiff’s work performance was outstanding. She received commendations from the Company’s president in 2021, and a promotion in 2022. In December of 2022, Plaintiff was severely injured in a car crash. Sanchez’ injuries included physical injuries (e.g. shoulder injury) and non-physical injuries (e.g. anxiety). Plaintiff was disabled within the meaning of the Fair Employment and Housing Act.

In accordance with her doctor’s orders, Plaintiff requested several accommodations for her disabilities, including but not limited to; permission to sometimes work from home; modification of her daily schedule to accommodate doctors’ appointments; and light duty work which does not include lifting over 5 lbs., bending, lifting, and twisting.

Defendants failed to engage Plaintiff in the required good faith interactive process, failed to accommodate Defendants’ disability, and instead discriminated against Plaintiff based on her disability. Among other things, Plaintiff’s immediate supervisor Defendant DeLaCruz (who has now been dismissed from this case) responded to Plaintiffs’ requests for reasonable accommodations by putting her on a sham Performance Improvement Plan.

Starting in May of 2023 Plaintiff made several verbal and written complaints to HR regarding the discrimination, retaliation, and failure to accommodate.

This was not the first time that she opposed unlawful activities. Before being placed on a sham Performance Improvement Plan Plaintiff had discovered that Defendants were engaged in the unlawful practice of fraud, deceit, and false advertising. More specifically Defendants falsely, fraudulently, and deceptively advertised that their product was made of cuticle hair, whereas Defendants’ product was not made of hair with cuticle follicles. Plaintiff had complained about these unlawful practices to no avail.

1 On October 11, 2023, Defendant terminated Plaintiff's employment, and  
2 immediately thereafter posted job advertisements for Plaintiff's job. The Defendants  
3 excuse for terminating Sanchez' employment is contrived, false, fabricated, and pretextual.  
4 The real reason why Defendants fired Sanchez was her disability, request for a reasonable  
5 accommodation for her disability, and repeated complaints mentioned above.

6 The Complaint alleges the following causes of action: (1) Wrongful Termination in  
7 Violation of Public Policy; (2) Discrimination in Violation of Fair Employment and  
8 Housing Act ("FEHA"); (3) Retaliation in Violation of FEHA; (4) Failure to Engage in  
9 Interactive Process in Violation of FEHA; (5) Failure to Provide Reasonable  
10 Accommodation in Violation of FEHA; (6) Failure to Prevent Discrimination and  
11 Retaliation in Violation of FEHA; and (7) Retaliation in Violation of Labor Code § 1102.5.

## 12 **B. Defendants' Position**

13 Defendants deny each one of Plaintiff's allegations.

14 Plaintiff was a full-time Product Development Manager in Chatsworth, California.  
15 Defendants assert that, at all relevant times, they maintained and adhered to compliant  
16 workplace policies. During her employment, Plaintiff requested various workplace  
17 accommodations and leaves which were always granted/provided. Defendants deny that  
18 Plaintiff was discriminated against in any way. Defendants further deny that Plaintiff was  
19 subjected to any form of retaliation. Consequently, Defendants deny that Plaintiff has  
20 suffered any damages at all as a result of any alleged actions or inactions by Defendants.

21 In October 2023, Plaintiff's position was eliminated as part of a reduction-in- force  
22 and her employment was terminated. Her termination was for a legitimate, non-retaliatory  
23 and non-discriminatory reason.

## 24 **II. SUBJECT MATTER JURISDICTION**

25 On February 15, 2024, Plaintiff filed a civil complaint in the Superior Court of the  
26 State of California for the County of Los Angeles, Case No. 24STCV03811. On March  
27 20, 2024, Defendants filed their Answer to Plaintiff's Complaint in the Los Angeles County  
28 Superior Court. On March 21, 2024, Defendants and individual defendant Randilyn Dela

1 Cruz filed a Notice of Removal to the United States District Court for the Central District  
2 of California pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441. (*See* Dkt. No. 1.) As stated  
3 therein, the action was removed on the grounds that the parties are diverse and the amount  
4 in controversy exceeds \$75,000. Plaintiff is a resident and citizen of the State of California.  
5 Defendants' members were and are citizens of Delaware and Utah during all relevant times  
6 in this lawsuit.

### 7 **III. LEGAL ISSUES**

#### 8 **A. Plaintiff's Position**

9 In general terms the following issues require resolution: (1) the nature and extent of  
10 the relationship between the two entity defendants (i.e. joint employers, alter-egos, and/or  
11 successors-in-interest); (2) Randilyn Dela Cruz' role within Defendants' organization (i.e.  
12 director, officer, managing agent, person acting on behalf of the entity Defendants, person  
13 with authority over Plaintiff); (3) whether Defendants engaged in the required good faith  
14 interactive process required by the FEHA; (4) whether Defendants reasonably  
15 accommodated Plaintiff's disability; (5) whether Defendants discriminated against  
16 Plaintiff based on her disability; (6) whether Defendants retaliated against Plaintiff for  
17 making the above-described complaints; (7) the true reason for Defendants' termination of  
18 Plaintiff's employment, and whether the employers' stated reason is false and pretextual;  
19 (7) Plaintiff's damages, both economic and non-economic, both past and future; (8)  
20 Defendants financial condition for punitive damages.

#### 21 **B. Defendants' Position**

22 1. Whether Plaintiff was subjected to discrimination on the basis of her  
23 disability;

24 2. Whether Plaintiff suffered any injuries related to her employment with  
25 Bellami Hair, LLC;

26 3. Whether Plaintiff engaged in protected activity under the Fair Employment  
27 and Housing Act or Labor Code Section 1102.5;  
28

4. Whether Plaintiff was subjected to any adverse action on the basis of engaging in any protected activity;

5. Whether Plaintiff suffered from any disability during her employment with Bellami Hair, LLC;

6. Whether Plaintiff initiated the interactive process;

7. Whether the interactive process broke down for any reason;

8. Whether Plaintiff was ever denied a reasonable accommodation for any alleged disability;

9. Whether Plaintiff has incurred any damages; and

10. Whether Plaintiff has mitigated her damages.

#### **IV. PARTIES, EVIDENCE, ETC.**

##### **A. Parties**

Plaintiff, Karen Sanchez. Defendant Beauty Industry Group Opco, LLC. Defendant Bellami Hair, LLC. On April 18, 2024, the Parties stipulated to dismiss the individual defendant listed in the caption page, Randilyn Dela Cruz, and on April 19, 2024, this Court granted the Parties' stipulation and dismissed Ms. Dela Cruz.

##### **B. Percipient Witness**

###### **1. Plaintiff's Position**

Plaintiff continues her investigation. Based on information presently known the following individuals were identified as fact witnesses in Plaintiff's initial disclosures: Plaintiff, Randilyn Dela Cruz, Ryan Sieverson, Fadi Murad, John Costanza, Brian Garcia, Dawn Goodwin, Marsha McFarlane, Nicholas Hernandez, Denise Aguilar, Christine Wu, Andrew Chane, Jessica Woienski, Nicole Lutton, Art Garcia, Ana Marquez, Diana Ter-Stepanian, Evish Kamrava M.D., Hyon Sung, M.D., Mari Verano, LMFT., Narbeh Yermian, Isaura Balderama, Jennifer Wojinski, Leslie Rodriguez; Marilyn Cheverria, Rayana Wren, Yuritzy Perez, Veronica Galvan, Lizbet Dulac, Maya Jones, Josie Huesca, Phillipe Brezinski, Miguel Sanchez, Douglas Sanchez, Maria Sanchez, Ana Sanchez, Marvin Sanchez, Jennifer Sanchez, Persons Most Knowledgeable of Defendant Beauty

1 Industry Group, OPCO, LLC., Persons Most Knowledgeable of Defendant Bellami Hair,  
2 LLC. Additionally expert witnesses may, and likely will be used but Plaintiff has not yet  
3 consulted or retained any experts at this time.

## 4 **2. Defendants' Position**

5 Defendants are presently investigating Plaintiff's claims and has yet to develop a  
6 witness list; however, at the moment: Plaintiff, Randilyn Dela Cruz, Brian Garcia, Denise  
7 Aguilar, and Dawn Goodin. Additional witnesses are likely to be discovered as discovery  
8 continues and Defendant reserves the right to disclose at the appropriate time expert  
9 witnesses and rebuttal witnesses.

## 10 **C. Key Documents**

### 11 **1. Plaintiff's Position**

12 Plaintiff continues her investigation. Based on information presently known the  
13 Plaintiff produced 446 pages of documents as part of her initial disclosures. Of these, the  
14 following documents are the more important ones: Defendants' employee handbook,  
15 Plaintiff's job application, and email relating thereto, Defendants' offer of employment  
16 letter and emails relating thereto, commendation email from Defendants' president and  
17 documents relating to Plaintiff's job performance, employer forms and documents relating  
18 to Plaintiff's promotion and raise, medical records, doctors notes, and other documents  
19 establishing Plaintiff's disability and specific limitations, including documents establishing  
20 that Defendants considered and treated Plaintiff as being disabled, documents establishing  
21 Plaintiff's requests for reasonable accommodations, as well as Defendants failure to  
22 provide the same; documents showing that Defendant unreasonably refused to  
23 accommodate Plaintiff's disability, and instead treated her differently because of it;  
24 documents including emails showing that Plaintiff complained repeatedly to Defendants  
25 regarding discrimination and failure to accommodate; the retaliatory fabricated  
26 Performance Improvement Plan, and other documents showing Defendants retaliated  
27 against Plaintiff, communications between Plaintiff and HR, documents relating to  
28

Defendants' unlawful practice of misrepresenting its products, and Plaintiff's complaints regarding the same, documents relating to Plaintiff's economic and non-economic damages.

## **2. Defendants' Position**

Key documents in this case include: (a) Plaintiff's employment/personnel files related to Plaintiff's job performance; (b) any documents by Plaintiff supporting any of her claims; (c) any documents related to Plaintiff's alleged damages or attempts to mitigate her damages; (d) any documentation alleged by Plaintiff to have been provided to Defendant related to any of her claims; (e) emails to and from Plaintiff and documentation regarding Plaintiff's requests for workplace accommodations; (f) emails and documentation confirming that Plaintiff was reasonably accommodated and that Defendant engaged in the interactive process in good faith; (g) emails and documentation related to complaints raised by Plaintiff after she was placed on a Performance Improvement Plan; (h) Bellami's relevant policies and procedures, including, but not limited to, Plaintiff's job duties and policies against harassment, discrimination, and retaliation, to be produced subject to the Stipulated Protective Order.

## **V. DAMAGES**

### **A. Plaintiff's Position**

Plaintiff seeks to recover the following categories of damages:

Past and future non-economic damages, including damages for anxiety, depression, nervousness, humiliation, anguish, distress, stress, grief, embarrassment, disappointment, worry, pain, and suffering. The exact amount of Plaintiff's non-economic damages will be determined by the trier of fact. The non-economic damages sought by Plaintiff are in the province of the jury. The exact sum Plaintiff will seek has not been determined as discovery is in its initial stages. However, Plaintiff intends to seek more than \$1,000,000.00 in non-economic damages. This is not a limit on non-economic damages recoverable at trial, and Plaintiff reserves the right to seek a greater amount at trial.

Past and future economic damages, including damages for past and future loss of earnings and employment benefits. Plaintiff intends to retain an expert witness to prepare



1 a report regarding her past and future economic damages. Plaintiff expects that the report  
2 will compute all elements of economic damages recoverable under applicable law. The  
3 exact sums Plaintiff will seek have not been determined as discovery is in its initial stages.  
4 However, as of the date of this disclosure, Plaintiff's past economic damages are estimated  
5 to be approximately \$59,500.00 calculated as follows: While Plaintiff worked for  
6 Defendants, she earned \$98,000.00 per year plus benefits. The value of the Defendants'  
7 contribution to benefits is unknown at this time. However, based on the foregoing it is  
8 estimated that Plaintiffs' total monthly compensation including wages and benefits was at  
9 least \$8,500.00. Plaintiff's employment was terminated on October 11, 2023 (i.e. roughly  
10 7 months ago). Plaintiff's future economic damages are estimated to accrue at the rate of  
11 \$8,500.00 each month until such a time when Plaintiff secures comparable employment.  
12 These are not limits on economic damages recoverable at trial, and Plaintiff reserves the  
13 right to seek a greater amount at trial.

14 Exemplary damages. The exact amount punitive damages will be determined by the  
15 trier of fact. The punitive damages sought by Plaintiff are in the province of the jury. The  
16 exact sum Plaintiff will seek has not been determined.

17 Such other relief as may be warranted or as is just and proper.

18 Plaintiff reserves the right to update his damages amounts as new information is  
19 received.

## 20 **B. Defendant's Position**

21 Defendants dispute each and every claim of damages alleged and demanded by  
22 Plaintiff. Although Plaintiff attempts to seek over \$75,000 in damages, Defendants deny  
23 Plaintiff was damaged as a result of any conduct by Defendants.

## 24 **VI. INSURANCE**

### 25 **A. Plaintiff's Position**

26 Plaintiff is informed and believes that there is insurance that may apply to this case.  
27 Plaintiff has no knowledge of coverages or reservations of rights.  
28



**B. Defendant's Position**

Plaintiff's claims may be covered through Defendants' employment practices liability insurance, subject to self-insured retention and reservation of rights on claims.

**VII. MOTIONS**

**A. Procedural Motions**

**1. Plaintiff's Position**

Plaintiff does not presently anticipate filing motions seeking to add other parties or claims, file amended pleadings, transfer venue, or challenge the court's jurisdiction.

**2. Defendants' Position**

Defendants anticipate the possibility of bringing motions in limine, although due to the early stage of the case, Defendants cannot anticipate the grounds for these motions at this time. In the event of any discovery disputes, Defendants reserve the right to proceed with the appropriate motion, though whether any such motions will be necessary, and their consent, is currently unknown.

**B. Dispositive Motions**

**1. Plaintiff's Position**

Plaintiff does not presently anticipate filing dispositive motions. Given the nature of this case, and based on the information and documentation that Plaintiff already produced as a part of her initial disclosure, Plaintiff believes that there is no legitimate basis for Defendants to file any dispositive motion.

**2. Defendants' Position**

Defendants anticipate they will bring a motion for summary judgment on Plaintiff's claims, and contend that Plaintiff's claims may be determined by a motion for summary judgment, summary adjudication or by motion for judgment on the pleadings. Defendants believe that after taking Plaintiff's deposition and exchange of written discovery, there will be no genuine issues of disputed material fact.

**C. Class Certification Motion**

This is not a class action. No class certification motion will be filed.

**VIII. MANUAL FOR COMPLEX LITIGATION**

The procedures for complex litigation do not need to be utilized.

**IX. DISCOVERY**

**A. Status Of Discovery**

On May 9, 2024, the Parties participated in Rule 26(f) conference telephonically. Michael Akopyan on behalf of Plaintiff and Dana L. Peterson on behalf of Defendants.

On May 30, 2024, Plaintiff made her initial disclosures required by Federal Rules of Civil Procedure Rule 26(a)(1). Defendant will do the same by June 4, 2024.

**B. Discovery Plan**

**1. Electronic Discovery**

At the present time, the Parties do not anticipate any issues regarding the disclosure or discovery of electronically stored information. The Parties will cooperate with each other regarding the production of these documents as the need arises.

**2. Plaintiff's Position**

Plaintiff anticipates propounding interrogatories, requests for admission, and requests for production. Plaintiff also anticipates taking depositions. Plaintiff anticipates Plaintiff will need to conduct discovery regarding the following issues and/or topics: The nature and extent of the Defendants' efforts, if any, to accommodate Plaintiff's disability, and/or engage in the good faith interactive process. The Defendants' failure to accommodate Plaintiff's disability, and/or engage in the good faith interactive process. Plaintiff's disability and limitations. Plaintiff's attendance and/or absences from work. Plaintiff's work performance. All complaints by Plaintiff during her employment, including the basis for said complaints, and Defendants' handling of Plaintiff's complaints. The termination of Plaintiff's employment, including the reasons therefor. The veracity of the Defendants' stated reason for terminating Plaintiff's employment. The nature and extent of the Defendants' efforts, if any, to prevent the alleged discrimination and/or retaliation from occurring. The nature and extent of the relationship between Bellami and BIG Opco, as well as their employment of Plaintiff. Defendants' organizational structure,

1 including Randylin Dela Cruz' role within their organization. Damages. Defenses raised  
2 by Defendants. Plaintiff anticipates completing non-expert discovery by February 18, 2025.

3 **3. Defendants' Position**

4 Defendants anticipate propounding interrogatories and requests for production.  
5 Defendants anticipate that they will take Plaintiff's deposition by November 2024.  
6 Defendants may need to take additional depositions, including additional witnesses to  
7 Plaintiff's claims, if warranted.

8 **C. Discovery Cut-Off**

9 The Parties propose February 18, 2025, as the non-expert discovery cutoff, *i.e.*, as  
10 the final day for completion of discovery, including all discovery motions.

11 **D. Expert Discovery**

12 The Parties propose February 26, 2025, as the last date for initial expert disclosures,  
13 March 12, 2025, as the last day rebuttal expert disclosures, and March 19, 2025, as the  
14 expert discovery cutoff.

15 **E. Settlement Conference/ADR**

16 The Parties have not engaged in any settlement negotiations to date. Plaintiff is  
17 amenable to private mediation but believes that it would be premature to mediate this case  
18 at the present time given Defendants' stated evaluation of liability and damages.  
19 Defendants are not presently amenable to private mediation given the facts of this case and  
20 case value. The parties are agreeable to a Mandatory Settlement Conference. The Parties  
21 have no preference between a Magistrate Judge or a Court Mediation Panel mediator.

22 **F. Trial**

23 **1. Trial Estimate.**

24 The Parties estimate a six (6) to eight (8) day jury trial. Plaintiff currently  
25 contemplates calling 9 to 12 non-expert witnesses, and 2-4 expert witnesses. Defendants  
26 currently contemplate calling 3-5 witnesses.

27 **2. Jury or Court Trial.**

28 Plaintiff requests a jury trial.

1                   **3. Consent to Trial Before a Magistrate Judge.**

2           The Parties do not consent to try the case before a magistrate judge.

3                   **4. Lead Trial Counsel.**

4           Michael Akopyan will serve as lead counsel for Plaintiff. Ani M. Akopyan may  
5 participate in the trial on behalf of Plaintiff. Dana L. Peterson will serve as lead counsel  
6 for Defendants. David J. Kim will also participate in trial on behalf of Defendants.

7                   **G. Independent Expert or Master**

8           The Parties do not presently anticipate utilizing an independent expert or master in  
9 this case.

10                  **H. Other Issues**

11           The Parties presently do not have any other issues. The Parties respectfully request  
12 that the Mandatory Scheduling Conference be scheduled not earlier than July 11, 2024  
13 based on Plaintiff's counsel's pre-planned vacation and unavailability through July 1, 2024  
14 and Defense counsel's pre-planned vacation and unavailability from June 27 through July  
15 10, 2024.

16 DATED: June 4, 2024

Respectfully submitted,

AKOPYAN LAW FIRM, A.P.C.

18 By: /s/ Michael Akopyan

19 Michael Akopyan  
20 Attorney for Plaintiff  
KAREN SANCHEZ

21 DATED: June 4, 2024

Respectfully submitted,

SEYFARTH SHAW LLP

23 By: /s/ Dana L. Peterson

24 Dana L. Peterson  
25 David J. Kim  
26 Attorneys for Defendants  
BEAUTY INDUSTRY GROUP,  
OPCO LLC  
27 BELLAMI HAIR, LLC  
28

JUDGE SHERILYN PEACE GARNETT

**SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET**

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.  
The Court **ORDERS** the parties to make every effort to agree on dates.

<b>Case No.</b> 2:24-cv-02341-SPG-BFM	<b>Case Name:</b> Karen Sanchez v. Beauty Industry Group, OPCO LLC, et. al.		
<b>Trial and Final Pretrial Conference Dates</b>		<b>Parties' Joint Date</b> mm/dd/yyyy	<b>Court Order</b>
Check one: <input checked="" type="checkbox"/> Jury Trial or <input type="checkbox"/> Court Trial <input type="checkbox"/> Magistrate Judge ( <b>Tuesday at 8:30 a.m., within 12 months of Scheduling Conference</b> ) Estimated Duration: 6-8 Days		08/05/2025	<input type="checkbox"/> Jury Trial <input type="checkbox"/> Court Trial
Final Pretrial Conference ("FPTC") [L.R. 16] ( <b>Wednesday at 3:00 p.m., at least 18 days before trial</b> )		06/18/2025	
<b>Event <sup>1</sup></b> <b>Note:</b> Hearings shall be on <b>Wednesday</b> at 1:30pm Other dates can be any day of the week	<b>Weeks Before FPTC<sup>2</sup></b>	<b>Parties' Joint Date</b> mm/dd/yyyy	<b>Court Order</b>
Last Date to <u>Hear</u> Motion to Amend Pleadings / Add Parties [Wednesday]		02/18/2025	
Fact Discovery Cut-Off (No later than deadline for filing dispositive motion)	18	02/18/2025	
Expert Disclosure (Initial)	16	02/26/2025	
Expert Disclosure (Rebuttal)	14	03/12/2025	
Expert Discovery Cut-Off	14 <sup>2</sup>	03/19/2025	
Last Date to <u>Hear</u> Motions <sup>3</sup> • Motions due at least 4 weeks before hearing; • Opposition due 2 weeks after motion is filed before hearing; • Reply due 1 week after Opposition is filed	12	03/26/2025	
Last Date to <u>Hear</u> <i>Daubert</i> Motions	8	04/23/2025	
Deadline to Complete Settlement Conference [L.R. 16-15] <u>Select one:</u> <input type="checkbox"/> 1. Magistrate Judge ( <i>with Court approval</i> ) <input checked="" type="checkbox"/> 2. Court's Mediation Panel <input checked="" type="checkbox"/> 3. Private Mediation	5	05/14/2025	<input type="checkbox"/> 1. Mag. J. <input type="checkbox"/> 2. Panel <input type="checkbox"/> 3. Private
<b><u>Trial Filings (first round)</u></b> • Motions <i>In Limine</i> (except <i>Daubert</i> ) • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (court trial only) • Declarations containing Direct Testimony, if ordered (court trial only)	4	05/21/2025	
<b><u>Trial Filings (second round)</u></b> • Oppositions to Motions in Limine • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint/Agreed Proposed Jury Instructions (jury trial only) • Disputed Proposed Jury Instructions (jury trial only) • Joint Proposed Verdict Forms (jury trial only) • Joint Proposed Statement of the Case (jury trial only) • Proposed Additional Voir Dire Questions, if any (jury trial only) • Evidentiary Objections to Declarations. of Direct Testimony (court trial only)	2	06/04/2025	

<sup>1</sup> Once issued, this "schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)4).

<sup>2</sup> The numbers below represent the Court's recommended timeline. The parties may propose alternate dates based on the needs of each individual case. Class Actions and ERISA cases may need to vary from the above.

<sup>3</sup> Before filing Rule 56 motions, parties must review and comply with the Court's Standing Order for MSJ, which sets forth the briefing schedule and specific requirements for joint briefing and filing such motions